IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 719(S/S)2007

Jinendra Singh Rawat S/o Soorveer Sign Rawat,
R/o C/o Durga Singh Chauhan Bhawan,
Tehsil Purola District Uttarkashi. ----Petitioner.

Vs.

1. State of Uttarakhand, through Secretary-Revenue, Govt. of Uttarakhand, Dehrdun,
2. Commissioner, Garhwal Division, Pauri,
3. District Magistrate, Uttarkashi. ----Respondents.

Sri V.B.S. Negi, learned Counsel for the petitioner and
Sri Ashish Joshi, learned State Counsel for State of Uttarakhand/respondent s.

Hon'ble M.M. Ghildiyal, J.

Heard Sri V.B.S. Negi, learned Counsel for the petitioner and Sri Ashish Joshi, learned Standing Counsel for State of Uttarakhand/respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

i. Issue a writ, order or direction in the nature of mandamus directing the respondents to decide the representation of the petitioner before finalizing the promotion of the Assistant Registrar Kanoongo,

ii. Issue a writ, order or direction in the nature of mandamus directing the respondents to pay the regular salary to the for the post of Assistant Registrar Kanoongo and also pay the arrears of salary to the petitioner from the date on which he is working as a Assistant Registrar Kanoongo,

iii. Issue any other order or direction which this Hon'ble High Court may deem fit and proper in the facts and circumstances of the case,

iv. Award cost of the petition to the petitioner.

Grievance of the petitioner is that initially he was appointed as Patwari in the year 1992 and thereafter he was officiating on the post of Assistant Registrar Kanoongo w.e.f. 17.09.2002 till date. Now the District Magistrate, Uttarkashi has invited applications from amongst the Patwaries for promotion to the post of Assistant Registrar Kanoongo. The petitioner has moved a representation before the District Magistrate that as he is continuously working on the post of Assistant Registrar Kanoongo since 2002, thus he may be promoted on that post and further he may be paid salary for the period during which he has already worked on the post of Assistant Registrar Kanoongo since 2002 for which he is entitled under Rule 22 of Fundamental Rules (Part II to IV).

The petitioner has already moved representation before the District Magistrate, Uttarkashi seeking promotion on the post of Assistant Registrar Kanoongo, however in regard to the salary on the officiating post he has not made any requests in the aforesaid representation.

In these circumstances, I deem it fit and proper to direct the petitioner to make fresh representation raising all his grievances, before the District Magistrate, Uttarkashi within a period of one week from today and it is expected from the District Magistrate, that he will take decision on the representation of the petitioner prior to making promotions on

the post of Assistant Registrar Kanoongo from amongst the Patwaries.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

June 27, 2007:
NCM: